

## Message Text

CONFIDENTIAL

PAGE 01 LONDON 05098 01 OF 02 281742Z  
ACTION L-03

INFO OCT-01 EUR-12 ISO-00 SCA-01 SCS-03 CIAE-00 INR-07  
NSAE-00 JUSE-00 /027 W  
-----281754Z 011570 /50  
P 281829Z MAR 77  
FM AMEMBASSY LONDON  
TO SECSTATE WASHDC PRIORITY 2021

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 05098

E.O. 11652: GDS  
TAGS: CASC, UK  
SUBJECT: PROPOSED EXPULSION FROM UK OF PHILIP AGEE AND  
MARK HOSENBALL

REF: STATE 62359

1. RE STATE 62359, PARA 2, WHILE THE 1971 IMMIGRATION  
ACT IS RELATIVELY NEW, AGEE AND HOSENBALL ARE NOT THE  
FIRST DEPORTATION CASES UNDER ITS AUTHORITY. ALL THE  
DEPORTATION CASES FROM THE UK FALL UNDER THE ACT. IT  
IS BELIEVED THAT AGEE'S LAWYERS REFER TO THE FOLLOWING  
SCHEDULES OF THE ACT WHEN THEY CLAIM TO BE A FIRST  
CASE.

"SCHEDULE 3(5)(B) A PERSON WHO IS NOT PATRIAL  
SHALL BE LIABLE TO DEPORTATION FROM THE UNITED KING-

DOM - IF THE SECRETARY OF STATE DEEMS HIS DEPORTATION  
TO BE CONDUCIVE TO THE PUBLIC GOOD; OR..." AND "PART II  
SCHEDULE 15 (1) SUBJECT TO THE PROVISIONS  
OF THIS PART OF THE ACT, A PERSON MAY APPEAL TO AN  
ADJUDICATOR AGAINST - (A) A DECISION OF THE SECRETARY  
OF STATE TO MAKE A DEPORTATION ORDER AGAINST HIM BY  
VIRTUE OF SECTION 3(5) ABOVE; OR (B) A  
REFUSAL BY THE SECRETARY OF STATE TO REVOKE THE  
DEPORTATION ORDER MADE AGAINST HIM", AND THEN,  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LONDON 05098 01 OF 02 281742Z

"15(3) A PERSON SHALL NOT BE ENTITLED TO APPEAL AGAINST  
THE DECISION TO MAKE A DEPORTATION ORDER AGAINST HIM  
IF THE GROUND OF THE DECISION WAS THAT HIS DEPORTATION  
IS CONDUCIVE TO THE PUBLIC GOOD AS BEING IN THE  
INTERESTS OF NATIONAL SECURITY OR OF THE RELATIONS  
BETWEEN THE UNITED KINGDOM AND ANY OTHER COUNTRY OR  
FOR OTHER REASONS OF A POLITICAL NATURE."

2. THE EMBASSY HAS NO KNOWLEDGE OF ANY PREVIOUS CASE INVOLVING A UNITED STATES CITIZEN IN WHICH 15(3) HAS WORKED; WE HAVE NOT HAD UNITED STATES CITIZEN CASES IN

THE PUBLIC GOOD/NATIONAL SECURITY AREA BEFORE. THERE HAS BEEN ONE OTHER CASE, NOT INVOLVING A UNITED STATES CITIZEN, IN THE PUBLIC GOOD/NATIONAL SECURITY AREA BUT IT IS NOT KNOWN WHETHER THE ISSUE OF 15(3) WAS THE PROBLEM. THAT CASE DID NOT RESULT IN AN ACTUAL DEPORTATION TAKING PLACE. THE EMBASSY IS STILL ATTEMPTING TO GET THE IDENTIFICATION AND SPECIFICS OF THIS CASE. WITHIN THE PAST YEAR, THERE WAS ONE CASE OF A UNITED STATES CITIZEN, MR. PERRY DOUGLAS FELLWOCK, EXCLUDED AT THE PORT OF ENTRY ON PUBLIC GOOD/NATIONAL SECURITY GROUNDS.

3. IN THE STATEMENT OF IMMIGRATION RULES FOR CONTROL AFTER ENTRY, ISSUED ON OCTOBER 23, 1972 (THESE ARE THE REGULATIONS WHICH THE HOME SECRETARY LAID DOWN TO BE FOLLOWED IN THE ADMINISTRATION OF THE 1971 ACT), PART B, DEPORTATION, SCHEDULE 45, RIGHT OF APPEAL STATES: "AGAINST THE MAKING OF A DEPORTATION ORDER ON THE RECOMMENDATION OF A COURT, THERE IS NO APPEAL WITHIN THE IMMIGRATION SYSTEM; BUT THERE IS A RIGHT OF

APPEAL TO A HIGHER COURT AGAINST THE RECOMMENDATION ITSELF. AN ORDER MAY NOT BE MADE WHILE IT IS STILL OPEN TO THE PERSON TO APPEAL AGAINST THE RELEVANT CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LONDON 05098 01 OF 02 281742Z

CONVICTION, SENTENCE OR RECOMMENDATION OR WHILE AN APPEAL IS PENDING. NOR IS THERE A RIGHT OF APPEAL (EXCEPT AS TO COUNTRY OF DESTINATION) WHERE A DEPORTATION ORDER IS MADE ON THE GROUND THAT THE SECRETARY OF STATE DEEMED THESE PERSONS' DEPORTATION TO BE CONDUCIVE TO THE PUBLIC GOOD AS BEING IN THE INTEREST OF NATIONAL SECURITY AND OF THE RELATIONS BETWEEN THE UNITED KINGDOM AND ANY OTHER COUNTRY, OR FOR OTHER REASONS OF A POLITICAL NATURE. BUT SUCH CASES ARE SUBJECT TO A NON-STATUTORY ADVISORY PROCEDURE AND THE PERSON PROPOSED TO BE DEPORTED ON THAT GROUND WILL BE INFORMED, SO FAR AS POSSIBLE, OF THE NATURE OF THE ALLEGATIONS AGAINST HIM AND WILL BE GIVEN THE OPPORTUNITY TO APPEAR BEFORE THE ADVISORS AND TO MAKE REPRESENTATIONS TO THEM BEFORE THEY TENDER ADVICE TO THE SECRETARY OF STATE."

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 LONDON 05098 02 OF 02 281740Z  
ACTION L-03

INFO OCT-01 EUR-12 ISO-00 SCA-01 SCS-03 JUSE-00  
CIAE-00 INR-07 NSAE-00 /027 W  
-----281754Z 011536 /50  
P 281829Z MAR 77  
FM AMEMBASSY LONDON  
TO SECSTATE WASHDC PRIORITY 2022

C O N F I D E N T I A L SECTION 02 OF 02 LONDON 05098

4. THE DIFFERENCE IN THE PRESENT LAW AND PRACTICES  
OVER EARLIER LAWS IS THAT THE APPEAL PROCEDURES HAVE  
BEEN ESTABLISHED AND INSTITUTIONALIZED. BEFORE 1956,  
ALL DEPORTATION MATTERS IN THE UNITED KINGDOM WERE  
HANDLED ADMINISTRATIVELY WITH NO APPEALS PROCEDURES  
PROVIDED.

5. IN 1956 BRITAIN JOINED THE EUROPEAN CONVENTION ON  
ESTABLISHMENT WHICH RESULTED IN THE ESTABLISHMENT OF A  
PROCEDURAL METHOD, UPON THE DEPORTEE'S REQUEST, WITH  
REFERRAL TO THE METROPOLITAN CHIEF MAGISTRATE FOR AN  
OPINION. THIS PROCEDURAL ADJUSTMENT WAS AVAILABLE FOR  
ALL TYPES OF DEPORTATION CASES.

6. IN 1969 THE IMMIGRATION APPEAL ACT PROVIDED FOR THE  
ESTABLISHMENT OF AN IMMIGRATION APPEAL TRIBUNAL AND  
ADJUDICATORS TO BE NOMINATED. THE APPEALS TRIBUNAL'S  
FINDINGS WERE NOT RPT NOT BINDING ON THE HOME SECRETARY.

7. THE ACT OF 1971 PROVIDED FOR IMMIGRATION APPEAL

TRIBUNAL TO BE APPOINTED BY THE LORD CHANCELLOR AND THE  
ADJUDICATORS BY THE SECRETARY OF STATE.

8. IN GOING TO THE COURTS AFTER THE ISSUANCE OF A  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LONDON 05098 02 OF 02 281740Z

DEPORTATION ORDER, MESSRS AGEE AND HOSENBALL HAVE BEEN TAKING ISSUE WITH THE CRUX OF THE PUBLIC GOOD/SECURITY TYPE CASE AGAINST THEM, ARGUING THAT THEY COULD NOT DEFEND THEMSELVES SINCE THEY DID NOT HAVE FULL ACCESS TO THE INFORMATION HELD AGAINST THEM. THE GOVERNMENT'S POSITION IS THAT AGEE AND HOSENBALL WERE PROVIDED "SO FAR AS POSSIBLE" WITH THE INFORMATION AND ALLEGATIONS AGAINST THEM.

9. RE PARA 3, REFTEL, ON MARCH 25 (FRIDAY), HOSENBALL OPENED HIS CASE IN THE COURT OF APPEALS AND EMBARKED ON WHAT IS HIS LAST RECOURSE IN LAW, APART FROM THE HOUSE OF LORDS, AGAINST THE DECISION OF THE HOME SECRETARY TO DEPORT HIM ON SECURITY GROUNDS. THE CASE WAS ADJOURNED LATE FRIDAY AFTERNOON UNTIL 1400 TODAY (MARCH 28). MR. HOSENBALL'S REPRESENTATIVE

IS ARGUING THAT HOSENBALL IS A CLASSIC EXAMPLE BETWEEN THE INDIVIDUAL'S RIGHT TO KNOW THE CASE AGAINST HIM AND THE EXECUTIVE'S CLAIM TO CONFIDENTIALITY.

10. THE EMBASSY WILL REPORT FURTHER AS INFORMATION BECOMES AVAILABLE.

SPIERS

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXPULSION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 28-Mar-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977LONDON05098  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770106-0105  
**Format:** TEL  
**From:** LONDON  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770316/aaaaannt.tel  
**Line Count:** 195  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 1d71a1b0-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION L  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 STATE 62359  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 11-Mar-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2978506  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PROPOSED EXPULSION FROM UK OF PHILIP AGEE AND MARK HOSENBALL  
**TAGS:** CASC, UK, US, (AGEE, PHILIP), (HOSENBALL, MARK)  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/1d71a1b0-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009